

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

ALLEN WOLFSON,  Plaintiff,  vs.  CONOLOG CORP. and ROBERT BENOUE,  Defendants,	ORDER ADOPTING REPORT AND RECOMMENDATION           Case No. 2:05-CV-797 DB
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Before the Court is the Report and Recommendation issued by United States Magistrate Judge Paul Warner on June 6, 2008, recommending that Plaintiff's case be transferred to the United States District Court for the District of New Jersey. (Dkt. No. 21.) In the Report and Recommendation, the magistrate judge acknowledged that although an attorney had entered a formal appearance on Plaintiff's behalf on January 14, 2007, Plaintiff's attorney had not taken any other action in this case or filed any other documents or pleadings in the case. It appears that all of the other filings have been drafted and filed by Plaintiff himself. Accordingly, the magistrate judge determined Plaintiff was proceeding pro se, and construed his pleadings and other filings liberally. (Report & Recommendation at 1.)

The parties were given ten (10) days to file objections to the Report and Recommendation. On June 13, 2008, Plaintiff's counsel of record filed a "Motion to Extend

Time to Respond” so that he could meet with his client to discuss a potential response to the Report and Recommendation. (Dkt. No. 22.) Plaintiff’s motion was granted and on June 30, 2008, Plaintiff’s counsel filed an Objection to Proposed Transfer. (Dkt. No. 24.)

Having reviewed all relevant materials, including Plaintiff’s objection and the reasoning set forth in the magistrate judge’s Report and Recommendation the Court agrees with the analysis and conclusion of the magistrate judge. The unsigned and undated contract attached to Plaintiff’s objection to the Report and Recommendation fails to persuade this Court that the magistrate judge erred in his determination that venue is improper in the District of Utah, and that transfer of this case to the District of New Jersey is appropriate.

Accordingly, the Court ADOPTS the Report and Recommendation and TRANSFERS this case to the United States District Court for the District of New Jersey.

DATED this 22<sup>nd</sup> day of July, 2008.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the 'B' of "Benson". The signature is positioned above a horizontal line.

Dee Benson  
United States District Judge